

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 12th day of October 2006, at 8:00 P.M., and there were

PRESENT:           JOHN ABRAHAM, JR. MEMBER  
  
                          WILLIAM MARYNIEWSKI, MEMBER  
  
                          JAMES PERRY, MEMBER  
  
                          ARLIE SCHWAN, MEMBER  
  
                          ROBERT THILL, MEMBER

ABSENT:            RICHARD QUINN, MEMBER  
  
                          JEFFREY LEHRBACH, CHAIRMAN

ALSO PRESENT:    JOHANNA M. COLEMAN, TOWN CLERK  
  
                          LEONARD CAMPASANO, ASST. BUILDING INSPECTOR  
  
                          JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF JOSEPH & MARY JANE SLEDZ**

THE 1st CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Joseph and Mary Jane Sledz, 1 Trentwood Trail, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six [6] foot high fence in a required open space area on premises owned by the petitioner at 1 Trentwood Trail, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Trentwood Trail with an exterior side yard [considered a front yard equivalent] fronting on Traceway. The petitioner proposes to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Traceway.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioner, therefore, requests a three [3] foot fence height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Joseph Sledz, petitioner 1 Trentwood Trail Lancaster, New York 14086	Proponent
Mary Jane Sledz, petitioner 1 Trentwood Trail Lancaster, New York 14086	Proponent

**IN THE MATTER OF THE PETITION OF JOSEPH & MARY JANE SLEDZ**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. THILL, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. MARYNIEWSKI  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Joseph & Mary Jane Sledz and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of October 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Residential District 2, (R2) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought; a three [3] foot fence will not provide the petitioners privacy from traffic or vehicle lights.

That the requested area variance relief is substantial, however the fence will be set back twenty five [25] feet.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That evidence of a new set back was presented by the petitioners on a new survey and that the fence will be constructed in accordance with this survey.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

* MR. ABRAHAM	RECUSAL
MR. MARYNIEWSKI	VOTED YES
MR. PERRY	VOTED YES
MR. QUINN	WAS ABSENT
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	WAS ABSENT

The resolution granting the variance was thereupon **ADOPTED**.

\* Mr. Abraham recused himself from this matter due to a teaching relationship with a family member of the petitioners.

October 12, 2006

**PETITION OF ALBERT V. RANDACCIO BUILDERS, INC:**

THE 2nd CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Albert V. Randaccio Builders, Inc., 300 International Drive, Williamsville, New York 14221 for one [1] variance for the purpose of erecting a private residence on property owned by the petitioner at 21 Beatrix Circle, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(c) of the Code of the Town of Lancaster. The proposed dwelling would result in a twenty seven foot [27'] rear yard set back.

Chapter 50, Zoning, Section 10C.(3)(c) of the Code of the Town of Lancaster requires a thirty five foot [35'] foot rear yard set back. The petitioner, therefore, requests an eight foot [8'] rear yard set back variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Alan Randaccio, President Albert Randaccio Builders 300 International Drive Williamsville, New York 14221	Proponent
Rick Stevenson 19 Beatrix Circle Lancaster, New York 14086	Proponent
Kevin Farrell 23 Beatrix Circle Lancaster, New York 14086	Proponent

**IN THE MATTER OF THE PETITION OF ALBERT V. RANDACCIO BUILDERS, INC.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. THILL, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. SCHWAN  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Albert V. Randaccio Builders, Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of October 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant could be achieved by some other method, feasible for the applicant to pursue, namely the erection of a smaller out of character home on this lot, however to do so could be detrimental to the character of the neighborhood.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have a negative effect on the physical or environmental conditions in the neighborhood.

That the alleged difficulty is self created by the petitioner's desire to market a more easily saleable house on this lot, however this should not preclude the granting of the variance.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. PERRY	VOTED YES
MR. QUINN	WAS ABSENT
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	WAS ABSENT

The resolution granting the variance was thereupon **ADOPTED.**

October 12, 2006

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:47 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: October 12, 2006